

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:23-cv-662-RJC-SCR**

| | | |
|--------------------------------|---|--------------|
| EUGENE D. HICKS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| CAMS MANAGEMENT OAKDALE |) | |
| GREEN HOA, et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

THIS MATTER is before the Court sua sponte.

The pro se Plaintiff filed this civil action without paying the filing fee, and sought to proceed in forma pauperis. [Doc. 2]. On December 1, 2023, the Court denied the Plaintiff's Application to proceed in forma pauperis and ordered him to refile an Application or pay the filing fee within 21 days. [Doc. 3]. The Plaintiff was cautioned that "[i]f Plaintiff fails to comply with this Order, the Complaint will be dismissed without prejudice and this case will be closed without further notice." [Id. at 2]. The Plaintiff has not refiled an Application or paid the filing fee and the time to do so has expired.


The Plaintiff appears to have abandoned this action. Therefore, this action will be dismissed without prejudice. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for sua sponte dismissal, Rule 41(b) does not imply any such restriction and

a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

1. This action is **DISMISSED** without prejudice for failure to comply with the Court's December 1, 2023 Order.
2. The Clerk of Court is directed to close this case.

Signed: January 3, 2024


Robert J. Conrad, Jr.
United States District Judge

